

REPORT OF THE SPECIAL BUDGET COMMITTEE ON THE 2021 ANNUAL BUDGET ESTIMATES OF THE COMMISSION FOR HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

1.0 INTRODUCTION

Following the presentation of the Budget Statement and Economic Policy of the Government for the year ending 31st December 2021 by the Minister for Parliamentary Affairs and Leader for Government Business, Hon. Osei Kyei-Mensah-Bonsu on Friday, 12th March 2021. The Rt. Hon. Speaker referred the 2021 Annual Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ) to the Special Budget Committee for consideration and report in accordance with Article 179 of the 1992 Constitution and Standing Order 140(4) of the Standing Orders of the House

2.0 DELIBERATIONS

The Committee accordingly met with the Commissioner of CHRAJ, Mr Joseph Whittal, officials of the Commission and a technical team from the Ministry of Finance and discussed the Estimates. The Committee expresses its gratitude to the Commissioner of CHRAJ and the technical team for attending upon the Committee for the deliberations.

3.0 REFERENCE DOCUMENTS

In considering the Estimates of CHRAJ, the Committee referred to the following documents:

1. The 1992 Constitution of the Republic of Ghana;
2. Standing Orders of Parliament;

3. CHRAJ Act 1993, Act 456
4. The Budget Statement and Economic Policy of the Government for the 2021 Financial Year and;
5. The 2021 Programme Base Budget Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ).

4.0 THE VISION AND MISSION OF THE COMMISSION

As an independent constitutional body, the vision of the Commission is to ensure a society that is truly fair, just and equitable, where human rights and human dignity are respected, where power is accountable and governance is transparent, ensure respect for Human Rights, hold power accountable and makes governance transparent for all.

5.0 MANDATE OF THE COMMISSION

CHRAJ has three broad mandates, namely, Human Rights protection, Administrative Justice in Public Services and Anti-Corruption and enforcement of Code of Conduct for Public Officers under Chapter 24 of the Constitution

The mandate of the Commission on Human Rights and Administrative Justice include;

- a. Investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his or her official duties
- b. Investigate complaints concerning the functioning of the public services, the Administrative services of the offices of Regional Co-ordinating Councils, District Assemblies, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the administrative organs of the state relating to the

- failure to achieve a balance structuring or equal access by all citizens.
- c. To investigate complaints concerning practices and actions by persons, private enterprises and other Institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution.
 - d. To investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation.
 - e. Investigate complaints of human rights violations by persons and institutions in both private and public sectors.
 - f. Investigating complaints and allegations of corruption and misappropriation of public resources.

6.0 2020 BUDGET ALLOCATION AND EXPENDITURE RETURNS.

During the year under review, an amount of **Forty Million, Eight Hundred and Ninety-Seven Thousand, and Five Hundred and fifty-One Ghana Cedis (GH¢40,897,551)** was allocated to the Commission from GOG source only for its programs. The allocation was disbursed among three main cost centers as summarized below.

Cost Center		GH¢
Employee Compensation	-	23,193,131
Goods and Services	-	12,204,420
Capital Expenditure	-	5,500,000
Total Appropriated budget	-	40,897,551

As at 31st December, 2020 an amount of **GH¢38,302,607.00** representing 93.6% of the GoG allocation to the Commission was released leaving a balance of GH¢ 2,594,944 or 6.3%.

Detail breakdown of GoG approved budgeted allocation and releases as at 31st December, 2020 is presented in table 1 below.

Table 1: Summary of 2020 GoG expenditure returns of CHRAJ

SN	Cost Centre	2020 Approved budget (GH¢) a	Revised Budget b	Actual Released 31/12/2020 (GH¢) c	Variance (GH¢) b-c
1.	Compensation	23,193,131	25,237,024	25,237,024	901,849.10
2	Goods and Services	12,204,420	12,110,458	9,688,871	2,421,587
3	Capex	5,500,000	5,500,000	3,326,960	2,173,040
	Total	40,897,551	41,945,633	38,302,607	5,496,476

Note: increase in employee compensation was as a result of adjustments in salaries of promoted officers and 51 newly recruited staff by the Commission in 2020.

7.0 2020 PERFORMANCE REVIEW

The 2020 Budget Allocated to the Commission was exhausted in undertaking the following activities:

MANAGEMENT AND ADMINISTRATION

- ✦ Developed new Strategic Plan for 2021-2025
- ✦ 45% completion of work on the reconstruction of burnt chamber and offices

- ✦ Strengthened its Regional and District Offices to improve service delivery in the regions.
- ✦ Opened regional offices in the six new regions
- ✦ Recruited 51 new staff, purchased three vehicles, acquired variety of furniture & office equipment and refurbished a number of offices.

Under Human Rights the following were achieved;

- ✦ Conducted rapid assessments of the impact of Covid-19 related stigma and discrimination on vulnerable populations.
- ✦ Put in place community arrangements in deprived communities in Accra to create awareness on stigma and discrimination using various media.
- ✦ Created community Safe Spaces to facilitate reporting of and response to stigma and discrimination.
- ✦ Investigated 7,334 human rights Complaints and Carried out 2,738 public education and sensitization activities on human rights across the country

Administrative Justice the following activities were carried;

- ✦ Partnered with Office of the Senior Minister & the Public Sector Reform Secretariat to implement the Public Sector Reform for Results Project (PSRRP) through Grievance Redress & Capacity Building of Client Service Units in MDAs.
- ✦ Investigated 297 administrative justice cases.
- ✦ Carried out 733 public education and sensitization activities on administrative justice.

8.0 OUTLOOK FOR 2021

The Commission will pursue the under-listed programs in 2021 under

Management Administration;

- ❖ Continue reconstruction work at CHRAJ Head Office at the Old Parliament House.
- ❖ Procure investigation and IT equipment, and vehicles for operations.

- ❖ Upgrade six new regional offices at the new regional capitals and refurbish 5 old regional offices 50 district offices, among others.
- ❖ Staffing of six new regional offices and opening and staffing of 30 new district offices

Human Rights Activities:

- ❖ Engage duty-bearers, rights-holders, and other key actors, including Parliament, Judiciary, NDPC, MDAs, MMDAs, CSOs, to raise awareness and build trust, promote dialogue and concerted efforts for a human rights-based approach to implementation of the SDGs, and safeguarding space for engagement of rights holders and civil society.
- ❖ Monitor State of Human Rights and issue report, with special focus on impact of COVID-19 on ESCRs, with emphasis on the vulnerable.
- ❖ Facilitate access to justice, redress, and remedy for those who experience abuse and violation of their rights.
- ❖ Monitor State of Human Rights and issue report, with special focus on impact of COVID-19 on ESCRs, with emphasis on the vulnerable.
- ❖ Investigate about 9,900 Human Rights cases.
- ❖ Carry out about 3000 human rights educational programmes among others.

NACAP Anti-Corruption Activities;

- ❖ Coordinate and monitor implementation of NACAP to substantially reduce corruption, illicit financial flows, provide for the recovery of unexplained wealth, and contribute to improve Ghana's rating globally.
- ❖ Partner the Executive and Parliament to enact the Conduct of Public Officer's Law to give effect to Chapter 24 of the Constitution and;
- ❖ Organize orientation on the Code of Conduct for Public Officers under Chapter 24 of the Constitution for newly appointed Ministers, MPs, and Presidential Staffers and CEOs, and other public officers.

9.0 2021 BUDGET ALLOCATION TO CHRAJ

For the implementation of its planned programs and activities, the Commission on Human Rights and Administrative Justice has been

allocated an amount of **Forty-Six Million, Five Hundred and Ninety-Seven Thousand, and One Hundred and Seven Ghana Cedis (GH¢46,597,107)** for the 2021 financial year. The Budget allocation will be disbursed among the following cost centers in table 2.

Table 2: Summary of 2021 Budget Allocation to CHRAJ

ITEM	COMPENSATION GH¢	GOODS &SERVICES GH¢	CAPEX GH¢	TOTAL GH¢
GOG	26,237,024	14,035,083	6,325,000	46,597,107
DONOR				
TOTAL	26,237,024	14,035,083	6,325,000	46,597,107

The 2021 Budget of the Commission will be further expended among four programme namely; Management and Administration, Human Rights, Administrative Justice and Anti-Corruption as in table 3 below.

Table 3: Summary of 2021 Budgetary Allocation by Program

S/N	Programme Area	2021 Allocation			
		Compensation (GH¢)	Goods & Services (GH¢)	CAPEX (GH¢)	Total (GH¢)
1	Management Administration	26,237,024	9,560,263	6,325,000	42,122,287
2	Promote & Protect Fundamental Human Rights	-	650,000	-	650,000

3	Administrative Justice		350,000	-	350,000
4	Anti-Corruption		3,474,820	-	3,474,820
	Total	26,237,024	14,035,083	6,325,000	46,597,107

10 OBSERVATIONS

The Committee after a careful examination of the 2021 estimates of the Commission on Human Rights and Administrative Justice, made the following observations.

10.1 *Inadequate Personnel*

The Committee was informed that due to lack of office accommodation, CHRAJ is unable provide adequate personnel in some Districts of the Country in contravention of Article 220 of the 1999 Constitution and Section 10 of the CHRAJ Act, 1993 (Act 456). Article 220 of the 1992 Constitution which provides that:

"There shall be established in each Region and district, regional and district branches of the Commission."

The Committee was informed that the Commission has offices in all the 16 Regions of the country. However, only 100 out of the 265 Districts have offices of CHRAJ.

The problem of inadequate staff is further worsened by the difficulty involved in trying to secure financial clearance from the Ministry of Finance for recruitment of additional staff.

The Commission has a total staff strength of 683 and will require additional 34 staff to augment its staff strength at the newly created regional offices to enable them function effectively.

However, the Commission requires about 220 additional personnel to enable it be present in all the Districts of the Country

The Committee is worried about the failure of successive government to provide adequate resources to establish its presence in all our districts as this does not augur well for the guarantee and protection of fundamental human rights of our citizens.

The Committee therefore urges the current and future government to endeavor to put an end to the Constitutional aberration by resourcing CHRAJ adequately to enable open offices in all the Districts of the Country so as to give true meaning to the guarantee rights and freedoms that are enshrined in Chapter 5 and other provisions of the 1992 Constitution.

The Committee further urges the Ministry of Finance to give clearance to enable the Commission recruit the additional 34 to meet the personnel needs of the Commission in the newly created Regions.

10.2 Weakness in the Assets Declaration ACT 550, Act 1998

The Committee was informed that gaps in the Assets Declaration Regime makes it rather difficult for CHRAJ to sanction offenders.

According to the Commissioner the long title to the **Public Office Holders (Declaration of Assets and Disqualification Act, 1998 (Act 550)** which describes it as an Act to provide for the declaration of assets and liabilities by public office holders is in conformity with Chapter 24, Article 286 (1) of the 1992 Constitution, but the provisions of the Act has many weaknesses and gaps as acknowledged by the leadership of Parliament, and thus requires urgent replacement with the Conduct of Public Officers Bill (CoPO Bill), which has been in Parliament since 2008.

The Committee noted that Asset declaration is one of the accountability measures imbedded in the Constitution to reduce incidents of corruption amongst Public officers.

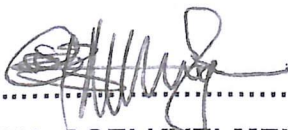
The Committee therefore urges CHRAJ to endeavor not to limit their investigations on Asset declaration to only political appointees but to expand the scope to cover all category of public officers and Civil mentioned in the Act.

The Committee further urges the House to endeavor to clear the bottlenecks inhibiting the passage of the Conduct of Public Officers Bill (CoPO Bill) so as not to be seen to be paying lip services to the fight against corruption.

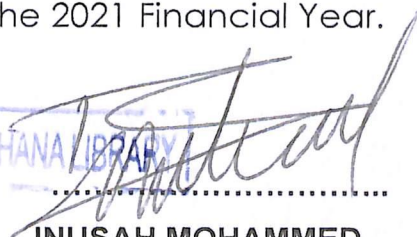
11.0 CONCLUSION

The Committee, having carefully examined the 2021 Annual Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ) wish to recommends to the House to adopt its report and approve the sum of **Forty-Six Million, Five Hundred and Ninety-Seven Thousand, One Hundred and Seven Ghana Cedis (GH¢46,597,107)** for the implementation of the programs of the Commission on Human Rights and Administrative Justice (CHRAJ) for the 2021 Financial Year.

Respectfully submitted.


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HON. OSEI KYEI-MENSAH BONSU
MAJORITY LEADER AND CHAIRMAN,
SPECIAL BUDGETS COMMITTEE

PARLIAMENT OF GHANA LIBRARY


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INUSAH MOHAMMED
CLERK,
SPECIAL BUDGET COMMITTEE

March 2021